



100718-253 / Beiersdorf 677.1-WCG  
6713-St-bb

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Peter HIMMELSBACH et al.  
SERIAL NO. : 09/719,319  
FILED : December 11, 2000  
FOR : Partially Self-Adhesively Treated Article with  
Permanently Deformed Self-Adhesive Composition  
ART UNIT : 1771  
EXAMINER : L. Salvatore

**1 March 2004**

**Mail Stop Patent Ext**  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTION OF PROJECTED PATENT TERM ADJUSTMENT (PTA)  
UNDER 37 CFR § 1.705(b)**

SIR:

In response to the calculation of patent term adjustment (PTA) cited in the Notice of Allowance mailed on **4 December 2003**, please accept this request for correction of the PTA.

***Statement of the Facts***

- (i) The applicants' believe that the correct patent term adjustment should be **206 days**.

The basis/bases for this adjustment under 37 CFR § 1.702 is as follows:

**(a) *Failure to take certain actions within specified time frames:***

- (1) A notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 was mailed later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled

the requirements of 35 U.S.C. 371 in an international application;

**Applicants submit the date on which the requirements of 35 U.S.C. 371 were fulfilled is 11 December 2000, the date from which the 14-month time period begins to run until a notification is mailed. A copy of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 is enclosed as evidence of the aforementioned date.**

**Applicants further point out 11 December 2000 is the filing date from which to calculate the patent term adjustment under 35 U.S.C. 154(b)(1)(A)(II).**

- (ii) The relevant dates as specified in 37 CFR § 1.703 (a)-(e) for which an adjustment is sought and the adjustment as specified in 37 CFR § 1.703(f) to which the patent is entitled is as follows:

<b>11 December 2000 to 3 October 2002:</b>	<b>234 days (PTO delay)</b>
<b>25 February 2003 to 25 March 2003:</b>	<b>28 days (Applicant delay)</b>

- (iii) This patent is not subject to a terminal disclaimer and any expiration date specified in the terminal disclaimer.

If any questions or further documents are needed by the office, it is respectfully requested that office personnel telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.



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**ADDITIONAL FEE**

Please charge any insufficiency of fees (including the fee set forth in 37 CFR 1.18(e) and/or 1.18(f)), or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By David D. Kim  
David D. Kim  
Reg. No. 53,123

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

Enclosure: Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR  
1.494 or 1.495

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Patent Ext, Hon. Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Date: March 1, 2004

By Jennifer Shel



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/719319	HIMMELSBACH	P BEIERSDORF 6
INTERNATIONAL APPLICATION NO.		

NORRIS MCLAUGHLIN & MARCUS, PA  
680 WHITE PLAINS ROAD  
TARRYTOWN, NY 10591-5144

PCT/EP99/03918

LA. FILING DATE	PRIORITY DATE
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08 JUN 99 12 JUN 98

DATE MAILED:

05 FEB 2001

**NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495**

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

11 DEC 2000  
35 U.S.C. 102(e) DATE

11 DEC 2000  
DATE OF RECEIPT OF  
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 11 DEC 2000 and the application will be examined in turn.

4. The following items have been received:

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.

The Article 19 amendments ☐ have ☐ have not been entered.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).

☐ Translation of Annexes to the IPER into English.

The Annexes ☐ have ☐ have not been entered.

☒ Preliminary amendment(s) filed 11 DEC 2000 and \_\_\_\_\_.

☒ Information Disclosure Statement(s) filed 11 DEC 2000 and \_\_\_\_\_.

☒ Assignment document.

☒ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Paulette Kidwell, Paralegal

For: usson 09/719,319